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**BEFORE THE UNITED STATES**  
**FEDERAL ELECTION COMMISSION** 9: 18

Scott Jones  
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Sacramento, CA 95833,

OFFICE OF GENERAL  
COUNSEL

Sheriff Scott Jones for Congress and  
David Bauer, Treasurer  
2150 River Plaza Dr., #150  
Sacramento, CA 95833, and

MUR No: \_\_\_\_\_

NRCC and Keith A. Davis, Treasurer  
320 First Street SE  
Washington, DC 20003.

MUR # 7185

**COMPLAINT**

This Complaint is filed pursuant to 52 U.S.C. § 30109(a)(1) against Scott Jones, Sheriff Scott Jones for Congress, and David Bauer, Treasurer (the "Jones Respondents"), and NRCC and Keith A. Davis, Treasurer (collectively, "Respondents") for multiple violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission rules. Specifically, it appears as if NRCC made unreported contributions to the Jones Respondents in excess of the federal limits. These violations are described in detail herein.

**I. FACTUAL BACKGROUND**

Scott Jones is a candidate for congress in California's Seventh Congressional District. Sheriff Scott Jones for Congress is his principal campaign committee. The Jones Respondents maintain a YouTube account called "Scott Jones for Congress." One of the videos posted to that account is called "Scott Jones B roll." The video contains video footage of Jones in a variety of situations, such as posing with individuals in law enforcement uniforms and conversing with others at a picnic table. Some of this same footage has been used in the Jones Respondent's other campaign advertisements.

On or about October 4, 2016, the NRCC, a national committee of the Republican party, began airing a television advertisement called "Dirty Money" that used substantial portions of this footage. The first 13 seconds of the advertisement attack Jones's opponent, Dr. Amerish Bera, over allegations that have been discredited. The remaining 17 seconds of the advertisement supports Jones, with all 17 seconds of the footage coming from the Scott Jones B roll video described above. At the end of the advertiser, the narrator says "NRCC is responsible for the content of this advertising" and a printed disclaimer stating "The NRCC paid for and is responsible for the content of this

advertising. Not authorized by any candidate or candidate's committee. [www.nrcc.org](http://www.nrcc.org) appears on the screen. The advertisement has been posted on the "NRCC IE" YouTube channel. The NRCC appears to have reported the advertisement as an independent expenditure on a 48-hour report filed on October 6, 2016. According to that report, the NRCC spent as much as \$1,170,814.84 on the advertisement.

## II. LEGAL BACKGROUND AND ANALYSIS

The Act limits the amount of funds that a national committee of a political party may contribute to a candidate's committee. A congressional campaign committee may contribute up to \$5,000 per election to a candidate for congress and, assuming that it has received the authority from the national committee and the relevant state party committee, it may currently spend up to \$96,200 on coordinated party expenditures in states like California that have more than one congressional district.

Under Commission rules, "[t]he financing of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign materials prepared by [a] candidate, [a] candidate's authorized committee, or an agent of either of the foregoing, shall be considered a contribution for purposes of the contribution limitations and reporting responsibilities of the person making the expenditure." In a series of recent cases, the Commission has considered the circumstances under which using b-roll video and still photographs taken from a candidate's website trigger this rules. In several cases, the Commission has deadlocked, with three Commissioners voting to pursue enforcement, and three voting against. In those cases, the three dissenting Commissioners found that Commission rules permitted the sponsor of an advertisement to "incorporate as background footage *brief segments* of video footage posted on publicly accessible websites by authorized committees of federal candidates." But the Commission has not permitted this kind of footage to constitute the *majority* of an advertisement.

Here, the majority of the NRCC advertisement – 17 seconds of a 30-second ad – consists of material taken from a single video posted by the Jones Respondents. Under these circumstances, the use is plainly prohibited republication. And because it appears that the NRCC spent more than \$1.1 million dollars on the advertisement – over \$1 million more than the coordinated party expenditure limit – the NRCC has made a prohibited contribution to the Jones Respondents.

Moreover, the Commission should investigate whether the Jones respondents *received* an illegal contribution. Given the quality and format of the video posted on the Jones Respondent's YouTube page, it is not clear that the NRCC could have used the footage in a television advertisement. The Commission should investigate whether the Jones Respondents provided the footage to the NRCC in violation of Commission rules.

Finally, the Act requires that all political committees file complete and accurate reports of their receipts and disbursements with the Commission. Here, the NRCC reported the

disbursements for the Jones advertisement as an independent expenditure, instead of reporting it as a contribution, as required by Commission rules., and thus violated the Act's reporting requirements.

**III. CONCLUSION**

As described above, there is ample reason to believe that the NRCC violated the Act's contribution limitations and reporting requirements. The Commission should find reason to believe that the NRCC has violated the Act; investigate whether the Jones Respondents have done the same; impose the maximum civil penalty permitted by law; enjoin Respondents from any and all future violations; and impose such additional remedies as it finds necessary and appropriate.

Respectfully Submitted,

*Ste A. Q...*

Address: \_\_\_\_\_

CARMICHAEL, CA 95608

Signed and sworn to before me this \_\_\_\_ day of October, 2016

Notary Public

SEE ATTACHED FOR  
REQUIRED CALIFORNIA  
WORDING

1204144407

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

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- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

1 \_\_\_\_\_

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Signature of Document Signer No. 1                      Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of Sacramento

Subscribed and sworn to ~~(or affirmed)~~ before me  
 on this 31<sup>st</sup> day of October, 2016  
 by \_\_\_\_\_  
 Date                      Month                      Year  
 (1) Steven A. Caruso



(and) (2) N/A \_\_\_\_\_),  
 Name(s) of Signer(s)

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Handwritten Signature]  
 Signature of Notary Public

Seal  
 Place Notary Seal Above

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